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**From:** Goodis, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=50ED0B92DC4945B7A808FE8DBC9224F0-MICHAEL GOODIS]  
**Sent:** 11/2/2021 6:48:46 PM  
**To:** Messina, Edward [Messina.Edward@epa.gov]; Snyder, Rodney [Snyder.Rodney@epa.gov]  
**CC:** Keigwin, Richard [Keigwin.Richard@epa.gov]; Welch-White, Venus [WelchWhite.Venus@epa.gov]  
**Subject:** RE: Summary of recent ag stakeholder feedback on pesticide actions  
**Attachments:** PPDC\_Ed\_October 2021 Edits Ed.Final1pm.pptx

Hi Rod

To assist, attached is a slide set that was presented to our Pesticide Program Dialogue Committee last week. There are some slides that touch on the chemicals you mentioned – hope it helps.

Michael L. Goodis, P.E.  
Acting Deputy Director for Programs  
Office of Pesticide Programs  
Office of Chemical Safety and Pollution Prevention  
U.S. Environmental Protection Agency  
Washington, D.C.  
571-309-5497 (cell)

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**From:** Messina, Edward <Messina.Edward@epa.gov>  
**Sent:** Tuesday, November 02, 2021 2:27 PM  
**To:** Snyder, Rodney <Snyder.Rodney@epa.gov>  
**Cc:** Keigwin, Richard <Keigwin.Richard@epa.gov>; Welch-White, Venus <WelchWhite.Venus@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>  
**Subject:** RE: Summary of recent ag stakeholder feedback on pesticide actions

Sounds good.

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Ed Messina, Esq.  
Director, Office of Pesticide Programs  
Office of Chemical Safety & Pollution Prevention  
U.S. Environmental Protection Agency  
Washington, D.C.  
p: (703) 347-0209

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**From:** Snyder, Rodney <Snyder.Rodney@epa.gov>  
**Sent:** Monday, November 1, 2021 8:15 PM  
**To:** Messina, Edward <Messina.Edward@epa.gov>  
**Cc:** Keigwin, Richard <Keigwin.Richard@epa.gov>; Welch-White, Venus <WelchWhite.Venus@epa.gov>  
**Subject:** Re: Summary of recent ag stakeholder feedback on pesticide actions

Thanks, Ed. I don't think there's any particular follow up right now unless you have any clarifying points or responses that you think I need to be communicating back to these stakeholder groups. Otherwise, this is meant to be informational.

On a related note, I'm speaking to the National Council of Farmer Cooperatives at their fall meeting in DC next Tuesday, and they've asked me to provide a general update on "Agency Activities on Crop Protection and Pest Management

Products.” (They mentioned Pyrethrins, Chlorpyrifos, and Neonic Biological Evaluations as examples.) I’m pulling together a first draft a few high-level slides, which I’ll send over to OPP for review/feedback/approval in the next 48 hours. This is my first opportunity for a more formal presentation to an external audience, and I want to make sure I’m coordinating with the various program offices on message development. I’m not sure how you’ve works with the Ag Advisor on presentations like this in the past, but I’m happy to follow whatever process you advise.

Thanks,

Rod Snyder  
Senior Advisor for Agriculture  
Office of the Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
Cell: (202) 503-5749  
[snyder.rodney@epa.gov](mailto:snyder.rodney@epa.gov)

On Nov 1, 2021, at 7:09 PM, Messina, Edward <[Messina.Edward@epa.gov](mailto:Messina.Edward@epa.gov)> wrote:

Yes. Happy to chat about any of these issues as well.

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Ed Messina, Esq.

Director, **Office of Pesticide Programs**  
Office of Chemical Safety & Pollution Prevention  
U.S. Environmental Protection Agency  
Washington, D.C.  
p: (703) 347-0209

On Oct 30, 2021, at 6:56 PM, Keigwin, Richard <[Keigwin.Richard@epa.gov](mailto:Keigwin.Richard@epa.gov)> wrote:

Thanks Rod. These updates are really helpful.

Rick Keigwin  
Deputy Assistant Administrator for Management  
Office of Chemical Safety and Pollution Prevention  
U.S. Environmental Protection Agency  
Phone: 202-564-1931  
Sent from my iPhone (Please excuse typos!)

On Oct 30, 2021, at 2:07 PM, Snyder, Rodney  
<[Snyder.Rodney@epa.gov](mailto:Snyder.Rodney@epa.gov)> wrote:

Rick and Ed –

I mentioned to Michal and Jake this week that I’ve already been getting a number of calls and emails about various pesticide actions, and my

goal is to synthesize all of this feedback on a regular basis and share back with OCSPP.

I want to be clear from the start that I'm never trying to exert political influence over scientific decisions. My goal is simply to communicate what I'm hearing from various stakeholders so you're aware of how conversations are unfolding.

Also, Jake asked me to share similar feedback with him, so I'm going to forward this same information with the portions removed that deal with Corteva or Enlist (or any other topics where he is recused).

1. **USDA / Doug McKalip** – I have bi-weekly calls now scheduled with Doug McKalip in Secretary Vilsack's office to share information and compare notes across issues where EPA and USDA have mutual interest. I'm finding these to be incredibly valuable, because it gives some early insight into where our actions are generally aligned with Secretary Vilsack's thinking and where there could be a risk of public disagreements.
  - a. Regarding Enlist One, Secretary Vilsack is unhappy with the process and the options that have been offered to the registrant (no tank mixes with glyphosate, no applying glyphosate within 30 days of Enlist One, or no applying glyphosate until the next growing season). There's a feeling that OPP is trying to regulate glyphosate tangentially through the Enlist One label, and the Secretary maybe not be able to sit by quietly on this one.
  - b. The Secretary is sympathetic with EPA regarding the challenges with Dicamba and the large number of off-target incidents; however, the Agency needs to follow regular process for any decisions it makes. There is still frustration with how chlorpyrifos was handled (a sense that a general agreement/understanding was reached between EPA and USDA and then an entirely different decision was announced). As was previously mentioned, USDA does not believe they have the authority to deauthorize Dicamba tolerant seeds based on problems with the chemistry, and some growers might still want to plant the seed as a preventative measure even if the herbicide registration is canceled for over-the-top application.
  - c. Zippy Duval at AFBF reached out to Secretary Vilsack on Friday morning regarding Dicamba, and he offered the following points:
    - i. farmers need to secure products now (especially given supply chain and input problems) for the 2022 planting season
    - ii. delays in EPA for getting 2022 announced are hurting everybody; EPA has been radio silent recently and OPP staff "not moving"

- iii. USDA needs to do more to ensure that Administrator Regan understands the realities on Dicamba – farmers have few tools

- 2. **Minnesota Agriculture Commissioner Thom Peterson** – I received a follow-up note from Commissioner Peterson this morning regarding Dicamba. He mentioned the spike in incident reports in 2021 in Minnesota (approximately 300), as well as the need for EPA to make any final decisions prior to December 1<sup>st</sup> so that farmers have timely information to make product purchases over the winter for the 2022 growing season.
- 3. **American Soybean Association** – I met with several members of ASA’s government relations team last week across a range of issues:
  - a. 2-4,D – Emphasized that next season’s purchase decisions are being made very soon, so the timing of final decisions on Enlist are very important. They are hopeful the reauthorization is on track.
  - b. PIP rule – They were complimentary of Mike Mendelsohn’s handling of this issue, although they have concerns about FFDCA residue considerations. If EPA “gets this rulemaking right,” it could be highly beneficial for growers and overall technology development.
  - c. Neonicotinoid biological evaluations – They noted that the neonic BE was the first time that an extension was not granted, which they were disappointed due to the length and complexity of the information that must be reviewed. On a related note, ASA participated in the ESA-FIFRA stakeholder workshop in September, and one idea that was surfaced was to engage FWS/NMFS earlier in the registration process. This could lead to earlier adoption of mitigation measures, but “to what end?” Will this reduce regulatory burdens or the likelihood of a jeopardy determination? They also asserted that the Bes are using improper/inaccurate assumptions about pesticide uses, which biases the outcome.
  - d. Chlorpyrifos – ASA joined a coalition of more than 80 agricultural organizations objecting to the revocation of tolerances for chlorpyrifos. They are deeply frustrated by perceived process violations, and they are also worried about trade implications. The stated that the ongoing registration review for chlorpyrifos showed at least eleven uses where tolerance should not have been revoked.
  - e. Dicamba – They are expecting to see additional revisions to the registration for over-the-top

application. Certain buffers and mitigation measures are already in place.

4. **Bayer** – I met with Bayer this week where the conversation predominantly focused on Dicamba. They noted that Administrator Regan discussed Dicamba during his remarks to NASDA in late September where he mentioned a final decision would be likely before the end of October. The company acknowledges that additional changes to the label are needed and that the number of incident complaints did not drastically drop following the previous amendments. They are proposing a three-region approach:
  - a. Midwest (NE, IA, MN, IL, ND) – earlier application cutoff date and growth stage cutoff
  - b. Mid-Atlantic – no changes proposed
  - c. South – provide greater flexibility by aligning the cotton and soy cutoff dates and consider 24(c) opportunities; in general, cotton appears to be less sensitive to Dicamba than soy
5. **Corteva** – I had a brief conversation with Corteva this week where they expressed frustration with the reregistration process for Enlist One and Enlist Duo:
  - a. Regarding Enlist One, Corteva’s comments were similar to what I heard from USDA. Their perception is that OPP is attempting to regulate glyphosate through the 2,4-D reregistration. The proposal for a tank mix prohibition is considered a “non-starter” by the company. Following the 2017 registration, EPA won its ESA case in court with the judge upholding a no-effect determination, so Corteva feels like Enlist One should be on solid footing.
  - b. Regarding Enlist Duo, Corteva understands that EPA has issued a draft biological evaluation for glyphosate; however, that process is not yet complete, so they believe it would be premature to prescribe additional mitigation measures on Enlist Duo. The company supports placeholder language or a trigger to revisit Enlist Duo once the glyphosate BE is final.
6. **Grower letter on supply chain disruptions** – As I believe you are aware, the American Farm Bureau Federation, American Soybean Association, National Corn Growers Association and National Cotton Council sent a letter to AA Freedhoff on Thursday stating that supply chain disruptions and product shortages are creating significant stress for growers. The letter states, “We strongly urge EPA to avoid greater registration or [herbicide] label restrictions at this time, which are likely to

exacerbate product shortages or lead to potentially catastrophic market disruptions. Moreover, we implore the Agency to swiftly advise growers and supply chains of herbicide use conditions so that market participants can have as much response time as possible ahead of the 2022 growing season.”

7. **Farm, Ranch and Rural Communities Advisory Committee –**

The FRRCC is meeting on November 15-16 to make a series of recommendations to Administrator Regan on key agricultural policies across the Agency. One of the workgroups that has been meeting over the past year is specifically on pesticides. I have not yet seen their draft recommendations but will likely receive a copy by the end of this upcoming week. I’ll forward that info to you as soon as I have it. The FRRCC meeting is open to the public and to the press, so it’s likely that ag media will cover the outcomes extensively.

I’ll try to send updates of this nature every week or two via email. Of course, please let me know if you have any questions.

Thanks,

Rod Snyder  
Senior Advisor for Agriculture  
Office of the Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
Cell: (202) 503-5749  
[snyder.rodney@epa.gov](mailto:snyder.rodney@epa.gov)